



CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, THURSDAY, JULY 6, 2017 4:30 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

1. VISITORS/CITIZENS FORUM:

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

2. CONSENT AGENDA:

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2A. Approval of the minutes from the June 15, 2017 meeting. **Pg. 2**

3. CONSIDERATION AND ACTION

3A. **Consideration and Action, Replat** – Public hearing, consideration, and action concerning a replat of Lots 7, 8, 17 and 18, Block 6, Oaks Heights Addition, a subdivision in Kerr County, containing 3.64 acres of land, more or less, as recorded in Volume 2, Page 92, of the Plat Records of Kerr County, Texas, located at 385 Goat Creek Cut-Off. (File No. 2017-039). **Pg. 6**

4. ITEMS FOR DISCUSSION

4A. Review and discuss "Home Occupations", as defined in Article 11-I-3 (57), of the City of Kerrville Zoning Code. **Pg. 8**

4B. Comprehensive Plan Update.

5. STAFF REPORTS

6. ADJOURNMENT

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: June 30, 2017 at 1:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 2A
Hearing Date: July 6, 2017
Representative: Staff

Proposal

Review and approval of the minutes from the June 15, 2017 meeting

CITY OF KERRVILLE, TEXAS
PLANNING AND ZONING COMMISSION

June 15, 2017

MEMBERS PRESENT:

Garrett Harmon, Vice-Chair
Don Barnett, Commissioner
Michael Sigerman, Commissioner
Rustin Zuber, Commissioner
David Jones, Alternate

MEMBERS ABSENT:

Bob Waller, Chairman
Marty Lenard, Alternate

STAFF PRESENT:

Gordon Browning, Interim City Planner
Danny Batts, Director of Building Services and Chief Building Official
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On June 15, 2017, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:33 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

1. VISITORS/CITIZENS FORUM:

Mr. Harvey Brinkman spoke regarding The Famous Door. The prospective buyer, current owners of Rio Rancho Café, is interested in turning The Famous Door into a soul food restaurant with no alcohol sales.

2. CONSENT AGENDA:

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2A. Approval of the minutes from the April 6, 2017 meeting.

2B. Approval of the minutes from the May 4, 2017 meeting.

2C. Approval of the minutes from the June 1, 2017 meeting

Cmr. Barnett moved to approve all the minutes as presented. Motion was seconded by Cmr. Sigerman and passed 5-0.

3A. Consideration and Action, Preliminary Plat – Consideration and action concerning a preliminary plat for Price Point, Lot 1, a subdivision in Kerr County, containing 3.0 acres of land, more or less, out of the Thomas L. Waddel Survey No. 145, Abstract No. 354, Kerr County, Texas, located on Rimrock Drive. (File No. 2017-031).

Mr. Browning presented the case and asked Commissioners to render a decision.

Cmr. Zuber moved to approve the preliminary plat. Motion was seconded by Cmr. Jones and passed 5-0.

3B. Consideration and Action, Preliminary Plat – Consideration and action concerning a preliminary plat for Tinco Industry Addition, Block One, Lot 1, a subdivision in Kerr County, containing 5.33 acres of land more or less, out of the Rowland Nichols Survey No. 126, Abstract No. 262, Kerr County, Texas, located at the end of Robby Drive. (File No. 2017-038).

Mr. Browning presented the case and asked Commissioners to render a decision.

Cmr. Sigerman moved to approve the preliminary plat. Motion was seconded by Cmr. Barnett and passed 4-1.

3C. Consideration and Action, Final Plat – Consideration and action concerning a final plat for Bandera Highway Mega Storage Phase 2, Block 1, Lot 1, a subdivision establishing 4.54 acre tract, being in and a part of the William C. Francis Survey No. 146, Abstract No. 137, City of Kerrville, Kerr County, Texas, located at 1225 Bandera Hwy. (File No. 2017-041).

Mr. Browning presented the case and asked Commissioners to render a decision.

Cmr. Zuber moved to approve the final plat. Motion was seconded by Cmr. Jones and passed 5-0.

3D. Consideration and Action, Replat – Consideration and action concerning a replat of a portion of Lots 1-6, Block 9, a portion of H Street, and a portion of Lots 1-5, Block 10, J.A. Tivy's Addition to the City of Kerrville recorded in Volume P, Page 16, Plat Records, Kerr County, Texas, and being all of that certain 0.342 of one acre tract recorded in document No. 16-06322, official public records of Kerr County, Texas, all of that certain 2.404 acre tract recorded in document No. 16-06323, official records of Kerr County, Texas, all of certain 1.357 acre tract recorded in document No. 16-06324, official public records of Kerr County, Texas, and 0.396 of one acre tract being a portion of H Street recorded in document No. 17-01162, official records of Kerr County, Texas, containing 4.135 acres, more or less, in the City of Kerrville, Kerr County, Texas according to the Plat Records of Kerr County, Texas, located at 1709 Water Street. (File No. 2017-026).

Mr. Browning presented the case and asked Commissioners to table this item until further notice.

Cmr. Sigerman moved to table the replat. Motion was seconded by Cmr. Zuber and passed 5-0.

3E. Consideration and Action, Conditional Use Permit – Consideration of a resolution concerning a requested Conditional Use Permit for “vehicle sales/service used” for an approximate 1.69 acre tract, being Lot 1A and a part of Lot 2, Block One, Adams Subdivision, located 1750 Junction Hwy. (File No. 2017-032)

Mr. Browning presented the case and asked Commissioners to render a decision.

Cmr. Sigerman moved to approve the conditional use permit. Motion was seconded by Cmr. Barnett and passed 5-0.

4. PUBLIC HEARINGS AND ACTION

4A. Public Hearing & Action, Replat – Public hearing, consideration, and action concerning a replat of Lots 1 and 2, Sidney Baker Community Plaza and part of Lot 1, Block 1, Keystone Addition, containing 4.128 acres of land, more or less, as recorded in File No. 16-05306 and No. 17-02376, Official Public Records, Kerr County, Texas, located at 1405 & 1407 Sidney Baker Street. (File 2016-037).

Mr. Browning presented the case and asked Commissioners to render a decision.

Cmr. Harmon opened the public hearing at 4:55 p.m. Hearing no one speak, Cmr. Harmon closed the public hearing at 4:56 p.m.

Cmr. Zuber moved to approve the replat as presented. Motion was seconded by Cmr. Jones and passed 5-0.

4B. Public Hearing & Action, Replat – Public hearing, consideration, and action concerning a replat of Lots 1, 2, 1-A, 2-A, 19 and part of Cummings Lane, Midway Center, an unrecorded commercial subdivision in Kerr County, containing 2.55 acres of land, more or less, out of the Francisco Martinez Survey No. 123, Abstract No. 247, Kerr County, Texas, located at 2590 Junction Highway. (File No. 2017-035)

Mr. Browning presented the case and asked Commissioners to render a decision.

Cmr. Harmon opened the public hearing at 4:58 p.m. Hearing no one speak, Cmr. Harmon closed the public hearing at 4:59 p.m.

Cmr. Barnett moved to approve the replat as presented. Motion was seconded by Cmr. Sigerman and passed 5-0.

4C. Public Hearing & Action, Replat – Public hearing, consideration, and action concerning a replat of Lots 7, 8, 17 and 18, Block 6, Oaks Heights Addition, a subdivision in Kerr County, containing 3.64 acres of land, more or less, as recorded in Volume 2, Page 92, of the Plat Records of Kerr County, Texas, located at 385 Goat Creek Cut-Off. (File No. 2017-039).

Mr. Browning presented the case and asked Commissioners to render a decision.

Cmr. Harmon opened the public hearing at 5:02 p.m. Hearing no one speak, Cmr. Harmon closed the public hearing at 5:03 p.m.

Cmr. Sigerman moved to table the replat as presented. Motion was seconded by Cmr. Jones and passed 5-0.

4D. Public Hearing & Action, Annexation and Zoning – Public hearing, consideration, and action to annex into the incorporated limits of the City of Kerrville and a recommendation for a zoning

classification of Planned Development District (PDD) Residential, for an approximately 11.341 acre tract of land generally located east of Comanche Trace Drive, between Comanche Trace Phases 4 and 11. The tract being more particularly described as located in the William Watt Survey No. 65, Abstract No. 364 of Kerr County, Texas and being a portion of the remaining portion of that certain called 1131.78 acre tract in Volume 971, Page 698, Real Property Records of Kerr County, Texas. (File No. 2017-033).

Mr. Browning presented the case and asked Commissioners to render a decision.

Comr. Harmon opened the public hearing at 5:10 p.m. Hearing no one speak, Comr. Harmon closed the public hearing at 5:11 p.m.

Comr. Barnett moved to recommend to CityCouncil approval of the annexation and zoning as presented. Motion was seconded by Comr. Zuber and passed 5-0.

5. STAFF REPORTS

Mr. Browning reported the next Planning and Zoning meeting will be Thursday, July 6, 2017 at 4:30 p.m.

6. ADJOURNMENT

This meeting was adjourned at 6:15 p.m.



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 3A
Planning File #: 2017- 039
Hearing Date: July 6, 2017
Representative: Voelkel Land Surveying, PLLC
Location: 385 Goat Creek Cut-Off
Legal Description: Lots 7, 8, 17, & 18, Block 6, Oaks Heights Addition
Total Acreage: 3.64

Proposal

A replat of Lots 7, 8, 17, & 18, Block 6, Oaks Heights Addition.

Procedural Requirements

Notice of this meeting was posted at City Hall and on the City's internet website on June 30, 2017, in accordance with Section 551.043(a) of the Texas Government Code.

Recommended Action

Staff recommends that the Commission considers and takes action on the proposal. (The Commission tabled action on this item at their June 15, 2017 meeting.)

Staff Analysis and Recommendation: Approval

1. Requirements and Guidelines:

The proposal has met all of the requirements and guidelines in accordance with Article 10-IV of the City of Kerrville Subdivision Ordinance.

FILE NO.

SUBJECT TRACT

VICINITY MAP

SCALE

SCALE: 1" = 60'

LEGEND

DATE: MAY 2017

DATE: MAY 2017

GENERAL NOTES

1. THIS PROPERTY IS LOCATED IN THE REGULAR INDEPENDENT ZONING DISTRICT.
2. THE LAND PLATTED HEREON IS LOCATED IN ZONE "R" AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 40000R01, DATED MARCH 1, 2011.
3. FOR THE CONSTRUCTION OF ANY LOT, THE OWNER OF SAID LOT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF KERRVILLE AND FOR OBTAINING ALL NECESSARY PERMITS FROM THE STATE OF TEXAS. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE STATE OF TEXAS FOR THE CONSTRUCTION OF ANY LOT.

OWNER: THE LUCKY STAR AND CHERRY BLOSSOM, L.L.C.
Kerrville, Texas 78703

SURVEYOR: L.C. BIRD
212 Oak Street
Kerrville, Texas 78703

OWNER: The City of Kerrville
City of Kerrville
212 Oak Street
Kerrville, Texas 78703

PRELIMINARY

This document is not to be used for any purpose other than for the purpose stated herein.

Prepared by: L.C. BIRD
City of Kerrville

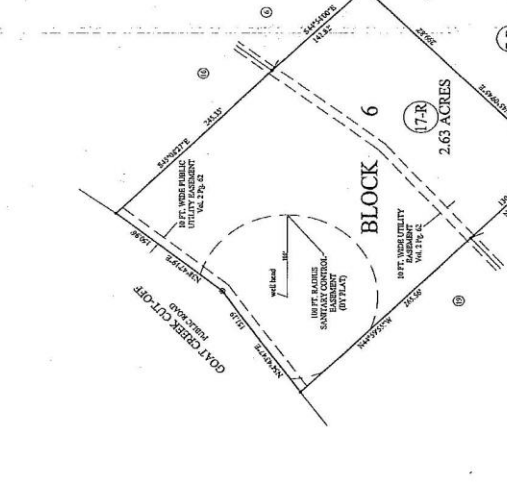
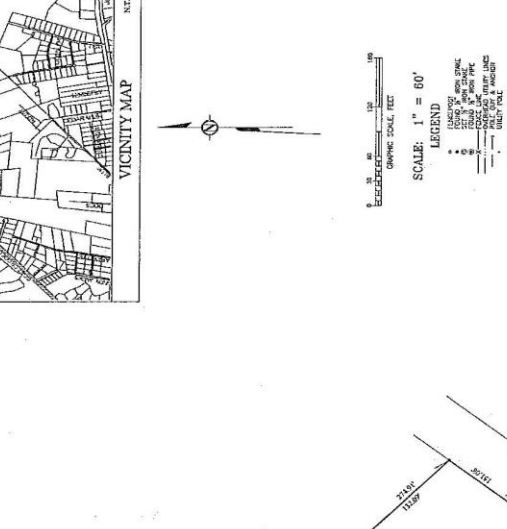
FILED FOR RECORD ON this _____ day of _____, 2017.

Book _____ Page _____

of the Official Public Records of Kerr County, Texas.

Kerr County, Texas

County Clerk



AS PLATTED

VOLUME 2 PAGE 92

I certify that the subdivision plat herein, as well as the accompanying map, is a true and correct copy of the original as shown to me by the owner and as shown to the City of Kerrville.

Dated this _____ day of _____, 2017.

City of Kerrville

I certify that the subdivision plat herein, as well as the accompanying map, is a true and correct copy of the original as shown to me by the owner and as shown to the City of Kerrville.

Dated this _____ day of _____, 2017.

City of Kerrville

STATE OF TEXAS

COUNTY OF KERR

THE LUCKY STAR AND CHERRY BLOSSOM, L.L.C.

OWNER

STATE OF TEXAS

COUNTY OF KERR

THE LUCKY STAR AND CHERRY BLOSSOM, L.L.C.

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STATE OF TEXAS

COUNTY OF KERR

THE LUCKY STAR AND CHERRY BLOSSOM, L.L.C.

OWNER

OAK HEIGHTS ADDITION

A REPLAT FOR LOTS 7, 8, 17 AND 18 IN BLOCK 6 OF OAK HEIGHTS ADDITION

A SUBDIVISION CONTAINING 3.64 ACRES OF LAND, MORE OR LESS, OUT OF HOWLAND NEIGHBORS SURVEY NO. 126, ABSTRACT NO. 362 IN SECTION 36, TOWNSHIP 33N, RANGE 10E, COUNTY OF KERR COUNTY, TEXAS. BLOCK 6 OF OAK HEIGHTS ADDITION, AS SHOWN ON PLAT PAGE 2 OF THE PLAT BOOKS OF KERR COUNTY, TEXAS.

MAY 2017

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MAY 2017

YORK & ASSOCIATES

LAND SURVEYORS

212 OAK STREET, KERRVILLE, TEXAS 78703

PH: 361-2222

YORK & ASSOCIATES

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PH: 361-2222



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 4A
Planning File #: 2017-027
Hearing Date: July 6, 2017
Representative: Staff

Discussion Item: Home Occupation

Attached are the recommended changes to the draft Zoning Code Section as discussed at your June 15th Commission meeting.

Review for further discussion.

Article 11-I-3 Definitions and Interpretation of Words and Phrases

Existing:

(57) Home Occupation: An occupation, business, or activity occurring in a dwelling unit, or accessory building or garage associated with a dwelling unit, which: (see attached complete definition)

Proposed:

(57) Home Occupation: An occupation/business activity conducted within a home or dwelling unit which is clearly incidental and secondary to the use of the premises for residential purposes and is further defined in Article 11-I-19 (I), "Home Occupation Regulations".

New Article 11-I-19 (I) – Home Occupation Regulations:

ARTICLE 11-I-19 SUPPLEMENTAL DEVELOPMENT REQUIREMENTS

I. Home Occupation

A. GENERAL PROVISIONS:

1. SCOPE.

- a. These regulations shall apply in the City's residential Zoning Districts as defined in Article 11-I-10, "Residential Zoning Districts".
- b. These regulations shall not apply to:
 - i. A community home that meets the qualifications imposed under Texas Human Resources Code to be authorized in any district zoned as residential; or
 - ii. Cottage food production operations which fall under the purview of Texas Local Government Code Chapter 211, Subchapter C.

Note: The aforementioned exemptions shall not exempt a community home and/or cottage food production operations from applicable development, building and operation codes and regulations of the City.

2. PURPOSE. The purpose of this section is to insure the continuance of the residential character of the City's Residential Districts by permitting only low-intensity home occupations that are clearly incidental and secondary to the primary residential use of the property and that are conducted in a limited manner which creates little exterior indication of the activity and which does not create a nuisance or otherwise adversely impact the health, safety or welfare of the neighborhood.

3. **REGISTRATION REQUIRED:** All home occupations shall be required to register upon forms prepared by the City Planner for the purpose and shall include a description of the nature and extent of the activity. The applicant shall sign the form verifying that the activity will be conducted in compliance with the standards of operation set out below. Approval of a home occupation shall be limited to one year, from the date of approval. However, such approval shall be automatically renewed annually unless the applicant provides written notice to the Development Services Department that the home occupation has been discontinued. The City shall charge no fee for the registration of Home Occupations.

B. STANDARDS OF OPERATION:

All home occupations shall comply with the following performance standards and limitations, except as specifically stated.

The standards set forth below are to minimize the annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

All home occupations shall also be subject to any and all provisions of local, state and/or federal regulations and laws that govern such uses.

1. EMPLOYEES

No one other than an occupant of the residence shall be engaged in the home occupation.

2. SPACE AND LOCATION

The maximum area used for the home occupation shall not exceed 25% of the living area of the residence, including storage areas.

3. STORAGE

Storage shall be enclosed within the residence, attached garage or permitted accessory building. Outside storage in conjunction with a home occupation shall be prohibited.

4. ALTERATIONS

No exterior alterations to the dwelling, which changes the residential appearance or character shall be permitted.

5. EQUIPMENT

The installation, storage or use of any equipment or machinery not normally found in a household or general office shall be prohibited.

6. SALES AND DISPLAY

Direct, on-site sales, retail or wholesale and/or the display of goods or products on the premises shall be prohibited.

7. NUISANCES

The creation of any excessive noise, odors, vibrations, glare, fumes or electrical interference which is detectable outside the structure shall be prohibited.

8. DELIVERIES

No deliveries related to the home occupation shall be permitted by vehicles of more than two (2) axles.

9. TRAFFIC

Home occupations shall not involve the daily visits of clients, employees or any other persons to the residence to the conduct of the home occupation.

10. ADVERTISING/SIGNS

Home occupations may have one (1) non-illuminated sign, the sign may be flush mounted to the residence and shall not exceed one square foot in size or may be placed in the front yard, no closer than 20 feet to the property line and shall not exceed six (6) square feet in size and three (3) feet in height. The sign may indicate the name of the occupant and the permitted home occupation.

C. PERMITTED HOME OCCUPATIONS:

The following uses shall require registration as stated above, provided that full compliance with the standards of operation are followed, except as modified herein.

1. Home office's conducting traditional office functions for off-site activities as well as professional offices, provided client contacts/consultations are conducted off-site.
2. Individual tutoring or lessons in art, dance, music or similar activities are permitted, provided that a maximum of five (5) students per day shall be permitted at the residence.
3. Counseling and therapy services are permitted provided that a maximum of five (5) clients per day shall be permitted at the residence.
4. Author, artist, artisan or sculptor studios are permitted provided that full compliance with all standards of operation stated above are met.
5. Dressmaker, seamstress or tailor services are permitted provided that a maximum of five (5) clients per day shall be permitted at the residence.
6. Repair of small electrical appliances, cameras, watches, clocks and/or other small items are permitted, provided that the item can be carried by one person and that full compliance with all standards of operation stated above are met.
7. Uses involving small scale/items such as arts and craft items.

D. USES PROHIBITED AS HOME OCCUPATIONS:

Except as specifically authorized, the following uses are prohibited as home occupations;

1. On-site retail or wholesale sales of any kind where customers visit the residence.
2. Vehicle repair and service of any type, to include boats and recreational vehicles.
3. Uses involving the breeding, boarding or kenneling of animals.
4. Repair services for large appliances, furniture, lawn mowers or similar engine repair.
5. Uses involving manufacturing and/or assembling.
6. Uses involving the sale of fire arms, ammunition or explosives.
7. Medical offices and/or clinics.
8. Barber and/or beauty shops including nail salons.

E. ADMINISTRATION:

The City Planner shall make all determinations as to whether any aspect of a proposed home occupation complies with the requirements of these regulations. However, whenever the City Planner deems it to be warranted the City Planner may submit an application for a home occupation activity request to the Planning and Zoning Commission and City Council for review under the requirements regarding a Conditional Use Permit (Article 11-I-13). In such instance, the applicant shall be required to pay all applicable fees associated with a Conditional Use Permit application.

F. EXISTING HOME OCCUPATIONS:

Any home occupation that was legally in existence, and not operating in violation of any local, state or federal law or regulation, as of the effective date of these regulations but, that is not in full conformity with these regulations shall be deemed a legal nonconforming use and may continue in accordance with Article 11-I-16 (Non-Conforming Uses) of the Zoning Code.

This exception does not include the following uses; vehicle repair and service of any type, repair services for large appliances, uses involving the sale/repair of firearms, ammunition and/or explosives.

Non-Conforming home occupation operators shall be required to prove the continuation of the lawful non-conforming use. Proof may be established by the registration of the non-conforming use by submittal to the City Planner, and approved by the City Planner, of a home occupation registration application within 90 days of the effective date of these regulations. Failure to register a non-conforming use shall cause a presumption that the use is not legally non-conforming and the City Planner may take action to require the discontinuance of such use, provided that the non-conforming use operator may appeal the City Planner's action to the Board of Adjustment so long as such appeal is taken within the time period prescribed in the Zoning Code for appeals of administrative decisions.